

1893-023 Chancery Causes P. C. Flanary to vs. D. C. Flanary, gdn.  
Lee Co.

Maxwell, Hamblin

CA-Estate Dispute  
T-Property



To the Hon. H.S.K. Morison Judge  
of the Circuit Court for Lee County

Humbly complaining your orator  
O. C. Flannery, and your oratrices  
Francis Maxwell <sup>Wm</sup> Little Flannery  
and ~~Flannery~~ Flannery would respect-  
fully represent unto your honor  
that on the 20<sup>th</sup> day of January 1873  
D.C. Flannery by the County Court  
of Lee County, was appointed the  
guardian of your complainants; that  
on the 20<sup>th</sup> day of January 1873 in  
pursuance to the order of said  
court so appointing him guardian  
he executed bond in the penalty  
of \$200<sup>00</sup> with C. L. Hamblen  
as his surety; that as guardian  
of your complainants said D.C.  
Flannery came into the posses-  
sion of a large amount of their  
money to wit \$112.50 on the  
7<sup>th</sup> day of April 1873; that your  
complainants are each and all  
now over 21 years of age; that  
their said guardian fails and re-  
fuses to settle with and pay your  
complainants the sum of money  
due them, or any part thereof.

Your complainants allege and  
aver that their said guardian has  
never since his appointment made  
a settlement of his guardianship



account before the Court of accounts, as they are advised by the laws of this State, was required to do; so it is impossible for your Complainants to know at this time what would be due them, after giving them credit for all proper disbursements, if he has ever made any; therefore they are advised <sup>& allege</sup> as there will probably be credits ~~due~~ on his <sup>said</sup> account for costs &c in his guardianship, it is necessary that his said account with your Complainants be referred to a Court of your honors Court, in Chancery.

Your Complainants will again aver & allege that their said guardian is now probably insolvent, and that his said surety by law is responsible for his acts and the money that is due them. The said Hamblee surety as aforesaid is a non-resident of this State but he has effects therein.

The premises considered your Compts. are advised their only adequate remedy is in a Court of Chancery, their prayer therefore is, that S. C. Hamblee guardian of your said Compt's and C. L. Hamblee his surety be made parties defendants.



ants to this bill of Complaints; that  
They each be required to answer  
the same on oath; that an or-  
der of publication be made a-  
gainst the said Stambles, as the  
law directs; that the Court of  
accounts, or a special Court,  
be appointed for the purpose, and  
be directed to state and settle said  
guardian accounts; and that  
on the return of such state-  
ment of such Court. Judgment be  
rendered your Complaints for the  
amount due there, And may all  
other further and general relief  
be granted your Complaints as  
equity may require. May pro-  
cess issue &c And They will  
well pray &c

Bromington & Gains.



P.V.S.  
Littell Flannery et al

vs. } Rice in Chanc

D.C. Flannery et al

1892 1st March Rules Bill

Giles 2nd 3rd 4th 5th 6th 7th 8th 9th 10th 11th 12th

1st 2nd 3rd 4th 5th 6th 7th 8th 9th 10th 11th 12th

" 2nd Mr. Rules order Pub

" 1st 2nd 3rd 4th 5th 6th 7th 8th 9th 10th 11th 12th

" 1st 2nd 3rd 4th 5th 6th 7th 8th 9th 10th 11th 12th

" 2nd 3rd 4th 5th 6th 7th 8th 9th 10th 11th 12th

Case set for hearing

by Plaintiff

" 1st 2nd 3rd 4th 5th 6th 7th 8th 9th 10th 11th 12th

" 1st 2nd 3rd 4th 5th 6th 7th 8th 9th 10th 11th 12th

1893 Mr. Deerec final

See O. 15 437

See 15 000

C 11 23 00

D 1.00

Pr. 5.00

A 15.00 00

Cour. 11.25 00

C.C. 45 23

Subled



Littie Flanary et al Compls

vs

D.C. Flanary et al Defs

Inchamney

It being stated by plaintiffs  
Counsel that Deft- had paid  
~~for~~, the costs of an said suit,  
and the sums of money due to them  
this Court is ordered to be  
striken from the docket.





Little Flanary et al Compts

vs.

In Chancery

D. C. Flanary et al Deft

This Cause came on again to be heard upon the papers formerly read therein and was argued by counsel. For reasons appearing to the Court it is adjudged, ordered and decreed that R. L. Pennington who is hereby appointed a special Commissioner for the purpose after advertising the time terms and place of sale for 30 days by notices posted at Dryden & Yorkville Station post offices, and at the front door of the Court house of this county, on some Court day and at the front door of the Court house at public outcry and to the best & highest bidder he will offer for sale the land of the defendant D. C. Flanary being the land where he now lives or so much thereof as may be necessary to pay the sum of money decreed to be paid to said plaintiffs by a decree entered in this cause on the 5<sup>th</sup> day of March, 1873 and the costs of this suit. He will make said sale on a credit of six and twelve months <sup>time</sup> except a sum sufficient to pay the costs of this suit and commissions of sale which he will require to be paid down. For the deferred payments he will take



Littie January 2nd

20 Decem

D.C. Filanary et al

Entered on O. 73

Page 442.

June 9, 1893

J. A. G. Hyatt

Entered on

June 9th 1893

H. A. K. M.

bonds payable to himself with good personal security. But before undertaking to execute the terms of this decree he will execute bond before the clerk of this court in the sum of \$500<sup>00</sup> conditioned to faithfully discharge his duties as such commissioner. And this cause is continued.



Lith. Flanary et al Compls  
vs.  
D. C. Flanary et al Defs } Dr Chan

This Cause came on again  
this day to be heard upon the papers  
formerly read therein, and the re-  
port of Special Comr. R. L. Perring-  
ton of the guardianship account  
of said D. C. Flanary, filed in this  
Cause on Sept. 2<sup>nd</sup> 1892; and it  
appearing that said ~~and~~ report  
has been filed for more than ten days  
before the first day of this term of  
the Court and is unexcepted to; it  
is, therefore adjudged, ordered and  
decree that the Complainants  
recover of the Defendants the sum  
of \$285.78 with legal interest there-  
on from the 1<sup>st</sup> day of November 1892  
till, <sup>paid</sup> and the costs of this suit,  
and that execution may issue out  
for said sum of money & the costs  
of this suit against said Defen-  
dants, And this Cause is continued



Lillie Flanary et al

vs Deere no 2

L.C. Flanary et al

Entered Chcy

O.B. page 439

March 8 1893

J. A. Schutte

Enter This

March 8 1893

P. S. K. M.



1 Lettie Flanary et al Comps'ts

2 vs.

3 S. C. Flanary guard et al Def'ts

In Chancery

4 This cause came on this day  
5 to be heard upon the bill <sup>verbally</sup> filed therewith of the Comps'ts  
6 and was argued by Counsel, and it ap-  
7 pearing that process has been duly served  
8 upon S. C. Flanary fifteen days before this  
9 time of the Court and that order of pub-  
10 lication has been made as the law re-  
11 quires against C. L. Hamblin and they  
12 failing to appear, said bill is taken  
13 for confessed. On consideration  
14 of fact which and for reasons ap-  
15 pearing to the Court, it is adjudged  
16 ordered and decreed That R. L. Summington  
17 who is hereby appointed a Compt for the purpose  
18 after giving said S. C. Flanary 20  
19 days <sup>notice</sup> will proceed to take, state and  
20 settle the account of said S. C. Flan-  
21 ary as guardian for said plaintiffs  
22 charging him with what did, and  
23 what ought to have gone into his  
24 hands as such guardian and also  
25 giving him credit for all proper  
26 disbursements. And he will  
27 report his actions to This Court.  
28 and this cause is continued.



Lithic Flanary et al.

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DC. Flanary et al.

Entered in C.C. Book

No 402

This June 9, 1892

J. G. Hyatt  
Clerk

Enter this

June 9 1892

W. S. K. M.



Little February et al -

J.S. -

H. C. February admr. -

} in chambers -

In pursuance of a decretal order of the circuit court for the County of Lee, pronounced on the 9<sup>th</sup> day of June 1892, I the undersigned - a spec-  
ial commr. after having the sheriff of said County to deliver to said H.C. February a note and an ex-  
tract from said decree - on the 4<sup>th</sup> day of Aug. 1892 I proceeded to execute the commandment of said order -

After having investigated said guardianship account I found that he should be charged with the sum mentioned in statement "A.B.", which is filed and here made a part of this report. I did not allow said guardian any commission because he had never made a settlement with the commissioner of fiduciary accounts, nor ever settled with said wards -

As will be seen from said statement, "H.V." - and after hav-  
ing giving him credit for all



proper disbursements, and with  
interest accrued down to Nov. 1, 1892  
there will be in his hands on  
that day - the sum of \$285.45 -  
which sum should be equally divided  
among the said three complainants, all  
of which is respectfully submitted -  
This Sept-1<sup>st</sup> 1892 -

F. L. Pennington

Special Counsel



Letter January 1892 -  
V.S. - } Commr's -  
Ref. -  
D.C. - January admr.

Filed Sept. 2, 1892.  
J. A. Hyatt  
C

I hereby certify that  
I, as Commr. in this  
case, was engaged  
15 hours at \$7.50 & \$11.25  
R. A. Pennington



*Little Flumary* that in ap. with *O.C. Flumary*

Dr. Cr.

	Dr.	Cr.	
By cash recd for wards Apr. 7, 1873	51 00		
" " " " " June 1 <sup>st</sup> , 1873	50 00		
" Int. to Jan 1 <sup>st</sup> 1874		4 00	
	104 00		
To Balance due wards - Jan. 1, 74			105 00
By balance for cash Jan. 1, 1874	104 00		
" Int. on \$104 for 1874		6 24	
" cash recd for wards, Jan. 1, 1875	125 00		
	122 74		
To Balance due wards, Jan. 1, 1875			122 74
By balance for cash Jan. 1, 1875	122 74		
" Int. from Jan 1 <sup>st</sup> 1875 to Jan. 1, 1876		178 99	
	301 73		
To auct. paid <sup>to</sup> J. M. Morgan			45 00
" Balance due Jan 1, 1876			256 73
By balance for cash Jan. 1, 1876	256 73		
" Int. to Jan 1, 1877		15 40	
" " " Nov 1, 1877		18 40	
	285 73		
To Balance due ward Nov. 1, 1877			285 73
1/3 of \$285 = 95 - to Mrs. Francis Maxwell	95 24		
1/3 " " " O.C. Flumary	95 24		
" " " " Little Flumary	95 24		
	285 72		



Little Flamingo at all Li  
D.S. - } Stokholm  
W.C. Flaming <sup>by Commis</sup>

"A.B"



Amount of principal & interest Less Credit. (Feb. 28 1893) \$228.23  
 Cost 14.40  
 Commission 13.93  
 Bond 60  
 \$259.76

KNOW ALL MEN BY THESE PRESENTS, That we *D. C. Flanary & Siles Flanary* are held and firmly bound unto *Lettie Flanary* in the just and full sum of *822* dollars *24* cents, the payment whereof, well and truly to be made to the said *Lettie Flanary* or *her* certain attorney, executors, administrators or assignees, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents, and as to this debt, we hereby waive our homestead exemptions. Sealed with our seals, and dated this *29* day of *Apr* one thousand eight hundred and *93*

The Condition of the above Obligation is such, That whereas, *Lettie Flanary*

hath sued out of the clerk's office of the *circuit* court of Lee county, a writ of Fieri Facias against the goods and chattls of the above bound *D. C. Flanary* which writ with legal costs attending the same, amounts to the sum of *834.00* dollars and *82* cents. And whereas, *L. M. Wade* Deputy for

*D. C. Flanary* high sheriff of Lee county, by virtue of said writ to the sheriff directed, hath taken the following property, belonging to the said

*D. C. Flanary* to satisfy the same, to wit: *1 Sarel mare 8 years old, 1 Bay Horse 4 years old 1 Bay mare 4 years old 1 Bay mare 8 years old 1 Brindle cow 6 years old 1 Brown cow 5 years old 1 Red Heifer 2 years old 1 Horse calf & 1 Red calf 1 year old*

And the said *D. C. Flanary* being desirous of keeping said property in possession until the day of sale thereof, has tendered the above bound *Siles Flanary*

as security for the forthcoming and delivery thereof on the day and at the place of sale. Now, if the above bound *D. C. Flanary & Siles Flanary* or either of them, do and shall deliver the aforesaid property to the sheriff or either of his deputies, at the court house in Jonesville, on the first day of the *June county* court next, that being the time and place appointed for the sale of the same; then the above obligation to be void, else to remain in full force and virtue.

Signed, sealed and delivered in the presence of

*D. C. Flanary*

(SEAL.)

*Siles Flanary*

(SEAL.)

(SEAL.)



Lettie Flannery

Vol 3 Band

D. C. Flannery

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Filed May 1st 1893

J. A. Hyatt ©



Lettie Alunay et al. vs. et al.

v.s.

} In Chancery.

M. C. Alunay, Guardian v. et al. dfts.

Extract from Decree -

It is adjudged, ordered and decreed that P. D. Pennington who is hereby appointed a special Commissioner for the purpose, after giving M. C. Alunay 20 days notice will proceed to take, state, and settle the account of M. C. Alunay as guardian for said Plaintiffs charging him with what did or ought to have come into his hands as such guardian and also giving him credit for all proper disbursements.

Commissioner's Office. Pennington 22<sup>nd</sup> Jan 22, '92

The parties interested in the decree of which the foregoing is an extract will take notice that the 1<sup>st</sup> day of August 1892 - at P. D. Pennington's law office in the town of Pennington's Gap - I shall proceed to execute the same - when and where they are required to attend, with such books, papers, vouchers, and evidence as will enable me to comply with the said order of the court.

P. D. Pennington

Special Commissioner for said Court.



Executed & duly  
of 1892 by  
delivering true copy  
of within to D.C.  
Flanary -

Little Flanary et al  
vs } Court Notice  
}

D.C. Flanary et al

on June 29<sup>th</sup> 1892  
Executed by  
Delivering ~~an~~  
~~office~~ <sup>true</sup> copy  
of the within notice  
to D. C. Flanary  
~~and giving him information of its contents~~  
wife she being  
over the age of  
sixteen years  
and a member  
of the Family  
of D.C. Flanary,  
she not being  
found at his  
~~residence~~  
place of abode  
this June 29<sup>th</sup> /92  
L. M. Wade Deputy  
for D. C. Flanary  
D. C. C.



In the Clerk's Office of the Circuit Court of the County of Lee on the 17<sup>th</sup> day of February 1892.

D. C. Flannery et al Plaintiff }  
against

See check

D. C. Flannery et al Defendant }

The object of this suit is to <sup>prove</sup> the Guardian account of D. C. Flannery Guardian for D. C. Flannery, Mary L. Flannery and Francis Maxwell nee Flannery settled and payments of the funds found in hands over to his said words

And an affidavit having been made and filed that the defendant <sup>he</sup> is not a resident of the State of Virginia, is ordered that <sup>he</sup> do appear here, within fifteen days after due publication hereof, and do what may be necessary to protect his interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in some newspaper, and that a copy be forthwith posted at the front door of the court-house of this county.

A copy—Teste:

P. q.

Pennington and Coins

J. A. G. Hyatt Clerk.



D. C. Flannery & Co  
3 arden Park  
vs 3

D. C. Flannery & Co

I certify that I  
delivered an office  
copy of this order  
to Lee County, Repub  
for pub, and posted  
a like copy thereof  
at the court house  
down on the first  
day of March term  
1872. J. A. G. Hyatt



# The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting:

We Command You to Summon

*D. C. Flannery*  
~~*Guardian for and L. L. Hamblin*~~  
*D. C. Flannery, Mary L. Flannery &*  
*Francis Maxwell & L. L. Hamblin*  
Security on his official Bond  
as such Guardians

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday in *March* next, being rule day to answer a bill in Chancery exhibited in our said Court

against

by

*D. C. Flannery*  
*Mary L. Flannery and*  
*Francis Maxwell nee*  
*Flannery*

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.

This *17* day of *February* 18*92*, in the 11<sup>th</sup> year of the Commonwealth.

*J. A. G. Hyatt* Clerk.

A Copy Teste

*J. A. G. Hyatt*



1976

The Commonwealth of Virginia

To The Sheriff of Lee County  
P. C. Flanagan et al

vs  
Spain et al

D. C. Flanagan et al

Do 1st March Rules 1892

Executed by

D. C. Flanagan  
at W. O. Clark et al.

Feb 25th 1892

L. M. Wade  
Deputy Sheriff  
Flanagan S. L. C.

To appear at the Clerk's Office of the Circuit Court of the County of Lee, Virginia, on the first Monday next, to answer to a writ of Habeas Corpus exhibited in our said Court against

And have been and there this writ. Witness, J. A. G. Clark, Clerk of said Court at the Court House of the Commonwealth, this 25th day of Feb 1892.

Clerk

A Copy Teste





In the clerk's office of the circuit court of the county of Lee on the 17th day of February 1892.  
P. C. Flanary, et al, Plaintiffs, vs D. C. Flanary,  
Kurd & Co. et al, Defendants.  
In Chancery.

The object of this suit is to have the guardian account of D. C. Flanary, guardian for P. C. Flanary, Mary L. Flanary and Francis Maxwell, nee Flanary settled, and payments of the funds found in hands over to his said wards. And an affidavit having been made and filed that the defendant C. L. Hamblen is a non-resident of the State of Virginia, it is ordered that he do appear here, within fifteen days after due publication hereof, and do what may be necessary to protect his interest in this suit. And it is further ordered that a copy hereof be published once a week for four week's in some newspaper, and that a copy be forthwith posted at the front door of the court house of this county.

A copy—Teste:  
J. A. G. Hyatt, Clerk.

Pennington and Goins, p. q.

Feb 24

Virginia, Lee Co. To-wit:

I Geo. C. Coleman, the editor  
and publisher of the Lee Co. Re-  
publican, a newspaper printed in  
the town of Jonesville, county of Lee  
Va. do here by certify that the fore-  
going order of publication was  
daily published in said newspa-  
per for four successive weeks from  
and after the 18th day of Feb. 1892.  
witness my hand and seal  
this 18th day of Feb. 1892  
Geo. C. Coleman,  
Editor Lee Co. Republican



Order Publication

D. C. Flannery 2500

vs  
D. C. Flannery, Ruth  
& Co. Depts

Printed for \$5